

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL J. RAMIREZ,

Plaintiff,

vs.

SCOTTS BLUFF COUNTY,

Defendants.

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4:04cv3262

MEMORANDUM AND ORDER

This matter is before the court on filing no. 18, the Motion to Dismiss filed by the defendant, Scotts Bluff County, Nebraska. After extensions of time (filing nos. 8, 11 and 15) and specific instructions by the court regarding how to serve the defendant (filing nos. 8 and 15), the plaintiff, Michael J. Ramirez, has failed to serve the defendant within the extended deadlines established by the court.

Fed. R. Civ. P. 4(m) states:

(m) Time Limit for Service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period....

The plaintiff has previously received notice of the deadlines for service of process. All deadlines have expired, and the defendant has not been properly served at a correct location. Therefore, filing no. 18 is granted. This case is dismissed without prejudice, and a separate judgment will be entered accordingly.

SO ORDERED.

DATED this 24th day of October, 2005.

BY THE COURT:

/s Richard G. Kopf
United States District Judge